

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFREY L. CLEMENS,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 19-369-E
)	
DYLAN J. WEAVER, TODD W. KOEBLEY,)	
and TRAVEL CENTERS OF AMERICA, LLC,)	
)	
Defendants.)	

ORDER

AND NOW, this 5th day of November, 2020, upon consideration of Defendant Travel Centers of America, LLC's Rule 12(b)(6) Motion to Dismiss, or in the Alternative, for Summary Judgment (Docket No. 8) and memorandum in support thereof (Docket No. 9), Plaintiff Jeffrey L. Clemens's response in opposition thereto (Docket No. 15), and Defendant's reply (Docket No. 16),

IT IS HEREBY ORDERED, for the reasons set forth in the Court's Memorandum Opinion filed herewith, that Defendant's motion to dismiss is GRANTED and his motion, in the alternative, for summary judgment is DENIED AS MOOT. Accordingly, pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff's claim alleging negligence against Defendant Travel Centers of America, LLC (Count III of the Complaint) is hereby DISMISSED WITHOUT PREJUDICE to amendment with sufficient facts to state a claim.

FURTHERMORE, upon consideration of Plaintiff's Motion to Strike Defendant Travel Centers of America, LLC's Rule 12(b)(6) Motion to Dismiss (Docket No. 17), Defendant's response thereto (Docket No. 20), and Plaintiff's reply (Docket No. 21),

IT IS HEREBY ORDERED, for the reasons set forth in the Court's Memorandum Opinion filed herewith, that Plaintiff's motion is DENIED.

s/ W. Scott Hardy
W. Scott Hardy
United States District Judge

cc/ecf: Counsel of Record
Jeffrey L. Clemens (via U.S. Mail)